

REMARKS

Initially, applicant would like to once again thank the Examiner for the courteous and helpful telephonic interviews he has conducted with applicant's undersigned representative. During such interviews, substantial efforts were made to come to some agreement for placing the application in condition for allowance, although no such agreement was ever finally reached.

Upon entry of the present amendment, the claims in the application the claims in the application remain claims 1-9, 11-14, 16 and 18-25, of which claims 1, 9, 18, 19 and 25 are independent. Applicant gratefully acknowledges the Examiner's allowance of claims 1-8, 16, 18, 21 and 22, as set forth at item 7 of the Office Action.

Independent claim 25 is amended above to further define that the connecting assembly substantially prevents the slide board and step board from pivoting relative to each other in at least a lateral direction of the snowboard where connected by said connecting members during use of the snowboard; while dependent claims 11, 12 are amended to depend from independent claim 9 rather than cancelled claim 10.

Applicant respectfully submits that all of the above amendments are fully supported by the original disclosure including the specification, drawings and claims. Applicant also respectfully submits that no new matter is introduced by the above amendments.

Still further, applicant respectfully submits that the above amendments to claims 11, 12 overcome the Examiner's objection to these claims presented at item 2 of the Office Action. Accordingly, it is respectfully requested that such objection be reconsidered and withdrawn.

35 USC 112 Rejection Presented in the Office Action

As set forth at item 4 of the Office Action, claims 9, 11-14, 19, 20, and 23-25 stand rejected under 35 USC 112, first paragraph. It is the Examiner's position that the feature of "the spacing between the slide board and step board is greater than the combined thickness of the slide board and the step board", as recited in claims 9, 19, and 25, is not supported in the original specification or claims. The Examiner further states that the originally filed drawings are inconsistent regarding the distance between the two boards, and specifically refers to differences between figures 3 and 4. Because of these inconsistencies, and because the drawings are not required to be drawn to scale, the original drawings are considered to

be an inadequate written description of the claimed feature.

Applicant's Response

Upon careful consideration, applicant respectfully traverses such rejection, and submits that the discussed feature is adequately supported by the original disclosure, including not only the drawings, but the written description as well. Particularly, applicant notes that the original application describes dimensions of the typical elevated deck snowboard according to the invention on page 5, at lines 18-24. The distance between the step board and the slide board is disclosed to be approximately 15 cm (or nearly six inches). Thus, to meet the discussed feature of the claims, and assuming the respective boards have approximately the same thickness, the respective step and slide boards could each be as thick as approximately 7 cm, or over 2.5 inches. However, such large board thicknesses are not typical in the art of snowboards, nor are they indicated by a comparison of thickness to width as seen in the original drawings. The application discloses an approximate slide board width of 10 cm in the discussion at page 5 of the specification, and the thickness of the slide board is clearly *many times less* than its width in the drawings and according to convention in the art, such that the width is much less than 7cm.

Based on the foregoing the rejection of claims 9, 11-14, 19, 20, and 23-25 under 35 USC 112, first paragraph, is believed to be overcome. Thus, applicant respectfully requests reconsideration and withdrawal of the rejection under 35 USC 112, first paragraph.

Art Based Rejections Presented in the Office Action

At item 6 of the Office Action, claim 25 is rejected under 35 USC 103(a) as being unpatentable over Dykema et al (US 4,848,781). The Examiner states that all features recited in claim 25 are disclosed by Dykema et al. Specifically, Dykema discloses an elevated deck comprising an elongated slide board 15, an elongated step board 24 having peripheral edges, and a plurality of connecting members connecting the step board to the slide board in a spaced and substantially parallel relationship (when not in use). The Examiner interprets the figures of Dykema to show that the distance between the step and slide boards to be greater than the thickness of the two boards, and assert that such distance is obvious in view of Dykema.

Applicant's Response

Upon careful consideration and in light of the above amendment to claim 25, applicant

respectfully submits that the rejection based on Dykema is overcome because the connecting means-assembly in Dykema's snow deck board does not function to substantially prevent the slide board and step board from pivoting relative to each other in at least a lateral direction of the snowboard where connected by said connecting members during use of the snowboard. Rather, the connecting member-assembly 26 of Dykema is specifically required and designed to permit his step board to pivot relative to the slide board.

In view of the foregoing, the rejection of claim 25 based on the Dykema patent is believed to be overcome, and accordingly it is respectfully requested that this rejection be reconsidered and withdrawn.

Other References Cited in the Office Action

The additional reference cited by the Examiner at item 11 of the Office Action (Santa Cruz et al. US Patent Application Publication No. 2004-0145152) has been considered by applicant, but it is respectfully submitted that this additional reference is not prior art to the present application.

Conclusion

In conclusion, applicant has overcome the Examiner's objection and rejections as presented in the Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

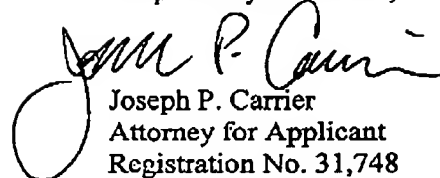
The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

Customer No. 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Rd, Ste. 100
Novi, Michigan 48375
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Respectfully submitted,


Joseph P. Carrier
Attorney for Applicant
Registration No. 31,748
(248) 344-4422

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3618 of the United States Patent and Trademark Office on November 01, 2004, at the number (703) 872-9306.

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